

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
SON VAN NGUYEN,
Defendant.

No. 2:99-cr-433-06 WBS AC

ORDER

Petitioner Son Van Nguyen is a federal petitioner represented by counsel, before the court on a motion attacking his conviction and sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 20, 2013, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed August 20, 2013, are adopted in full;
- 3 2. Petitioner Son Van Nguyen' motion under 28 U.S.C. § 2255 is DENIED;
- 4 3. A certificate of appealability should not issue in this action.¹

5 Dated: October 17, 2013

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7 WILLIAM B. SHUBB
8 UNITED STATES DISTRICT JUDGE

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26 ¹ A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made
27 a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). For the
reasons set forth in the magistrate judge's August 20, 2013 findings and recommendations,
petitioner has not made a substantial showing of the denial of a constitutional right.